

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:15-cr-0020-TWP-TAB
)	
JAMES ALLEN BISHOP,)	
)	
Defendant.)	- 01

REPORT AND RECOMMENDATION

On May 4, 2017, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on March 31, 2017. Defendant Bishop appeared in person with his appointed counsel William Dazey. The government appeared by Jeff Preston, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Bishop of his rights and ensured he had a copy of the Petition. Defendant Bishop orally waived his right to a preliminary hearing and to reading of the Petition.
2. After being placed under oath, Defendant Bishop admitted violation nos. 1, 2, and 3 as set forth in the Petition. [Docket No. 28.]
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:


<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p>“The defendant shall refrain from any unlawful use of a controlled substance.”</p> <p>On March 28, 2017, Mr. Bishop was arrested in Science Hill, Kentucky, on a local probation violation warrant. On March 29, 2017, he was drug tested by a Kentucky Parole and Probation officer, and the sample returned positive for cocaine and methamphetamine. He denied cocaine use, but signed an admission form indicating he recently used methamphetamine.</p>
2	<p>“The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody.”</p> <p>On March 1, 2017, the probation officer met with the offender in the Hancock County, Indiana, Work Release Center, and he was provided with the probation officer’s contact information. He was instructed to contact the probation officer upon his release. On March 20, 2017, the offender was released from Hancock County, but did not contact the probation officer. On March 23, 2017, the probation officer left a message for him to contact the probation office. The offender called the probation officer on March 24, 2017, and an intake meeting was set at his residence for March 27, 2017.</p>
3	<p>“The defendant shall not leave the judicial district without the permission of the court or probation officer.”</p> <p>On March 27, 2017, the probation officer arrived at the offender’s residence for a scheduled intake appointment; however, the offender was not home. The probation officer learned the offender was in Science Hill, Kentucky. He did not have permission to leave the Southern District of Indiana.</p>
4.	<p>The Court finds that:</p> <ul style="list-style-type: none"> (a) The highest grade of violation is a Grade B violation. (b) Defendant’s criminal history category is V. (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months’ imprisonment.

5. The parties jointly recommended a sentence of twelve (12) months and (1) day with no supervision to follow. Defendant requested placement at FCC Terre Haute at the lowest level he is qualified for and placement in a substance abuse counseling program.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the Petition, and recommends that Defendant's supervised release be revoked, and that Defendant be sentenced to the custody of the Attorney General or his designee for a period of twelve (12) months and one (1) day with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge further recommends placement at FCC Terre Haute at the lowest level Defendant is qualified for and placement of Defendant in a substance abuse counseling program.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Dated: 18 MAY 2017



Mark J. Dinsmore
United States Magistrate Judge
Southern District of Indiana

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